

MINUTES
of the
FOURTH MEETING
of the
INDIAN AFFAIRS COMMITTEE

September 14-16, 2005
Nenahnezad Chapter, Navajo Nation
Upper Fruitland Chapter, Navajo Nation
Huerfano Chapter, Navajo Nation

The fourth meeting of the Indian Affairs Committee for the 2005 interim was called to order by Senator John Pinto, co-chair, on Wednesday, September 14, 2005, at 10:25 a.m. at the chapter house of the Nenahnezad Chapter of the Navajo Nation.

Present

Rep. James Roger Madalena, Co-chair (9/15 & 9/16)
Sen. John Pinto, Co-chair
Sen. Rod Adair
Rep. Ray Begaye
Sen. Dianna J. Duran
Rep. Manuel G. Herrera
Sen. Lidio G. Rainaldi
Sen. Nancy Rodriguez (9/14)
Sen. Leonard Tsosie

Absent

Rep. Irvin Harrison
Rep. Patricia A. Lundstrom
Sen. John C. Ryan
Rep. Don L. Tripp
Rep. W. C. "Dub" Williams
Rep. Teresa A. Zanetti

Advisory Members

Rep. Fred Luna (9/15)
Sen. Richard C. Martinez
Rep. Nick L. Salazar
Sen. William E. Sharer (9/15)
Rep. Gloria C. Vaughn

Sen. Ben D. Altamirano
Sen. Joseph J. Carraro
Rep. Ben Lujan
Rep. Debbie A. Rodella
Rep. Avon W. Wilson

(Attendance dates are noted for those members not present for the entire meeting.)

Staff

Charles H. Van Gorder
Jennie Lusk
Larry Matlock

Guests

The guest list is in the meeting file.

Handouts

Copies of all handouts and written testimony are in the meeting file.

Wednesday, September 14 - Nenahnezad Chapter, Navajo Nation

Members of the committee and the audience introduced themselves and an invocation was given by Lucinda Bernalley, chapter president.

Nenahnezad Chapter - Status Update

Ms. Bernalley gave a PowerPoint presentation reporting on the chapter's history, priorities and accomplishments. The chapter was chartered on November 10, 1955. As of the 2000 U.S. Census, the chapter had 1,695 members of which 920 were registered voters; 856 members were 24 years of age or younger; and 243 members were 55 years of age and older. Navajo Coal pays \$15.6 million in taxes to New Mexico, the Four Corners Power Plant pays \$20 million in taxes and Navajo Coal and BHP Billiton Coal Company together pay over \$37 million in taxes. A capital outlay appropriation for a backhoe expired and the irrigation canal in the area needs repairs. Shirley Lowe, community land use planning chair for the chapter, reported that the chapter's plans have been approved by the Navajo Nation. The chapter currently has 448 housing units of which seven percent do not have electricity and 13 percent do not have water. There is a need for more housing for the chapter's young people.

On questions from committee members, the presenters noted that the chapter does not receive any direct revenues from coal mining, but has to compete with 110 chapters of the Navajo Nation for a share of those revenues. The chapter's water is piped in from Shiprock and the community has only one well. Five homes remain east of the Chaco Power Plant with no water or electricity. The chapter reported being told by the Navajo Nation that it would need to pay for the right of way to get water and power to that area. BHP has established some scholarship support for local students, and the chapter has asked proponents of the Desert Rock Power Plant for direct scholarships to be awarded to the chapter instead of distributed through the Navajo Nation. A suggestion was made that the chapter attempt to get a percentage of liquor excise tax returned to it. Also, the chapter representatives discussed future ownership of 4,000 acres of reclaimed land after the mines close. They also discussed the fact that the chapter has instructed its delegate to the Navajo Nation Council that it wants the land back. Economic development initiatives within the chapter and at Morgan Lake, the clearing of salt cedar and Russian olive trees, restoration of the San Juan River, availability of water supplies from Farmington, pre-kindergarten programs and the location of the Navajo natural gas pipeline were also discussed.

At this point, Senator Pinto requested that Representative Begaye preside at this meeting.

Recent Amendment to Title 10, Navajo Nation Code

Leland Leonard, director of the Diné Education Department, and Regina Holyan, an attorney with the Navajo Nation Department of Justice, discussed the significance of recent amendments to Title 10 of the Navajo Nation Code passed by the Navajo Nation Council in July of this year. The amendments, which give the Navajo Nation express authority over the 65 BIA schools (with 93,000 students) and 33 "638 contract" schools on Navajo Nation land, are expected to have a noticeable impact, especially since between 10 and 35 percent of all schools on the Navajo Nation have not met federal standards for making adequate yearly progress (AYP). Mr. Leonard, calling the No Child Left Behind Act that sets such standards a "smoke screen" and an unfunded mandate used to attack Navajo Nation schools, described the

amendments as a means to close the achievement gap. The amendments create a board of six appointees of the president of the Navajo Nation and five elected members serving staggered terms. The board will then hire a superintendent to govern the schools. Operational procedures, job descriptions, standards and accreditation documents are being drafted. Navajo Nation students typically attend BIA schools through either sixth or eighth grade and then transfer to one of four state school systems for middle and high school. Establishing unified standards for Navajo Nation students rather than applying four separate state and agency standards should contribute toward student success. He also observed that the Title 10 amendments have teeth to enforce school attendance requirements. A copy of the PowerPoint presentation by Mr. Leonard is contained in the meeting file. Ms. Holyan explained that the standards are being negotiated through intergovernmental agreements between the Navajo Nation, the BIA and New Mexico, Arizona and Utah.

Proposed Desert Rock Power Plant — Status Update

Freddy Sanches, vice president and chief financial officer of Sithe Global Power, LLC, of Houston, Texas, briefed the committee on plans to construct the Desert Rock Power Plant to be located near the southern boundary of the Nenahnezad Chapter. This project, being pursued in cooperation with the Diné Power Authority (DPA), will construct two 750-megawatt coal-fired electrical generating units utilizing coal from the adjacent BHP Billiton Coal Company mine. The construction, slated to begin in the fourth quarter of 2006, will cost \$2.2 to 2.5 billion with the units coming on line in the beginning of 2010. Mr. Sanches reviewed the status of the permitting process for the project and explained the new technology that will be used to reduce plant emissions far below the levels generated by other power plants. The project will generate 1,000 jobs during the four-year construction period. Once in operation, the plant will result in 200 jobs operating the plant and an additional 200 jobs at the adjacent coal mine. It is anticipated that the plant, once in operation, will contribute more than \$50 million annually to the Navajo Nation — roughly one-third of the nation's current annual budget. In addition, Sithe is negotiating to provide additional benefits directly to affected chapters of the Navajo Nation. In June 2005, the Nenahnezad Chapter voted to accept the proposal that had been offered by Sithe to support the proposed power plant project. Steven Begay, general manager of DPA, explained DPA's role in the project as a partner of Sithe. The Navajo Nation, through DPA, will have the opportunity to acquire up to 49 percent of the project if the required equity is available. He also indicated there will be a hiring preference for members of the Navajo Nation.

Anna Frasier, representing Diné Citizens Against Ruining our Environment (Diné CARE), a group that has existed since 1988, addressed human problems resulting from the development of natural resources on the Navajo Nation, including the effect of uranium exposure on Native Americans. She raised objections to the mine, including health threats, negative effects on the spiritual life of communities and environmental and natural resources problems. The group alleged that the Navajo Nation has not adequately educated people about damage from the plant or the effect it will have on their way of life.

Lauri Goodman of the Dooda Desert Rock Power Plant Committee said her group's main concern is the one-sidedness of information available to the public. A request to the Department of Environment requesting the circulation of information on health effects has not met with a response. She presented a PowerPoint presentation addressing the inequities of imposing a new power plant with its attendant health risks on members of the Navajo Nation while the benefits

from the power generated flow off the reservation. Increasing health risks are especially bad when the Indian Health Service (IHS) is inadequately funded and has a 20 percent vacancy rate. She stated that adding to the potential for health problems does not make sense. Ms. Goodman also mentioned concerns about the purchasing of grazing rights, harassment of Sarah White and the vote that the Upper Fruitland Chapter took in support of the proposed power plant.

Albert Shirley from the Iyanbito Chapter addressed the committee with additional background information and expressed support for the proposed power plant project. On questioning from committee members, Mr. Sanches said that members of the Navajo Nation with grazing rights had been approached with an offer for a bonus of \$1,000 for assigning their rights, but that \$1,000 is not the sum total of the money to be received; payments for the remainder will be made when the project goes forward. Mr. Sanches was chastised by several committee members for appearing to smirk or laugh at advocates against construction of the power plant. Problems with previous mines were cited as reasons for caution in dealing with the company. Committee members asked for copies of contracts between grazing permit holders and the mining company, not just resolutions of the Navajo Nation, but were advised those contracts are confidential. Under the Sithe proposal, the Navajo Nation will receive between \$50 million and \$60 million a year, or about \$2 billion over the lifetime of the proposed power plant.

Minutes

There being present a quorum of the voting members of the committee, Senator Rainaldi moved that the minutes from the committee's August meeting be approved as submitted. The motion was seconded by Senator Tsosie and passed without objection.

Voting and Election Issues

Martin Aguilar, Native American election information coordinator with the Office of the Secretary of State, briefed the committee on the elements of the Native American Voter Outreach Program and presented information regarding the November 2004 election results in county precincts with Native American populations. Fran J. Hanhardt, San Juan County clerk, presented the committee with information regarding voters and election statistics for San Juan County. In the four years from May 2000 to May 2004, the number of registered voters increased by more than 20 percent (11,000). She mentioned that the recent change in voting hours forced the county to change early voting sites. She also observed that one of the biggest challenges was to find enough election day workers. The county's experience is that requirements imposed by the new law regarding third-party registration agents and verifiable paper trails are cumbersome, expensive and unnecessary. The Central Consolidated School Board election had a problem when two precincts voted at the same location; that problem will be avoided in the future. Edison Wauneka, executive director of the Navajo Nation Election Administration, expressed his concern with the requirement in the new law for voter identification. Navajo Nation elections will be scheduled to coincide with the state's general elections. The Navajo Nation has also experienced problems with the recruiting of poll workers.

On questioning from committee members, there was additional discussion regarding voter identification requirements, Native American language interpreters, consistency between tribal and precinct boundaries and registration of voters by the Department of Motor Vehicles. Shirley Lowe advised the committee regarding problems she had experienced with the February 2005 elections for the Central Consolidated School Board. Senator Rodriguez moved that the

committee write a letter to the Office of the Attorney General requesting a response to the inquiry concerning the complaint about the February 2005 elections for the Central Consolidated School Board. Representative Herrera seconded the motion that passed with Senators Adair and Duran voting in opposition.

Recess

The meeting was recessed by Senator Pinto at 5:12 p.m.

Thursday, September 15, 2005 - Upper Fruitland Chapter, Navajo Nation

The meeting was reconvened by Senator Pinto, co-chair, on Thursday, September 15, 2005, at 9:33 a.m. at the chapter house of the Upper Fruitland Chapter, Navajo Nation. Lorenzo Bates, chapter delegate to the Navajo Nation Council, gave the invocation.

Upper Fruitland Chapter - Status Update

Calvin Lee, chapter president for only the last three months, said that the planning being done for the community since 1982 did not foresee the recent influx of members, many of them returning home from the mining areas. There is a population explosion in the area and the chapter now needs jobs, homes, schools and recreation. The chapter's priorities for capital outlay projects were reviewed, including chapter facilities, a senior citizen center, a fire station, library facilities and a police substation. Alice Mason, chapter vice president, commented on the fact that the high water table in the area of the chapter results in problems with septic systems so that the chapter needs improved sewer services. Mr. Bates briefed the committee on the chapter's need for a new chapter house as the existing 40-year-old facility has been condemned by the Navajo Nation. The chapter has already acquired \$550,000 in funding assistance from the federal government and is seeking financial support from the state. The total cost for the project is estimated at \$1.3 million. Mr. Bates also indicated that Navajo Highway 36 needs to be improved as it currently carries more than twice its designed capacity; at least there should be pull-offs for school buses. He also suggested that the state provide for special license plates for members of the Navajo Nation, as Arizona does.

On questioning from committee members, the committee was advised that the Nenahnezad Chapter had passed two resolutions regarding the proposed Desert Rock Power Plant — one in favor and one in opposition. The resolution in favor was contingent upon the following: 1) no Navajo Nation laws would be waived if not in the interest of the nation; 2) hiring preferences be given for qualified members of the Navajo Nation; 3) a percentage of the revenues should go to affected chapters directly and not through the Navajo Nation; and 4) the DPA should work to find compromise solutions for the concerns raised by those in opposition to the proposed power plant. Senator Pinto raised the importance of the Sheepsprings road project and was told that construction is now at an impasse and the highway may not consist of four lanes. On the motion of Representative Begaye, seconded by Representative Madalena, the committee agreed that staff should write a letter to the Navajo Nation regarding Highway 491 and noting the problem of funding a project that has radically changed.

Alcohol and Behavioral Health Counseling

Presenters on this panel concentrated on gaps in the delivery of treatment and prevention services for alcohol addiction in the Farmington area. James Clark, executive director of Four

Winds Recovery Center, Inc., reviewed the services offered by his organization. He critiqued two requirements of the Detoxification Reform Act passed during the 2005 legislative session. First, the required written order for protective custody is burdensome for those working in emergency cases. Second, the requirement for release of anyone with a zero percent blood alcohol level is dangerous, since a person can die from withdrawal even without elevated blood alcohol levels. Medical detoxification is most important two days after a person's last drink. Rita Cantsee, program supervisor of the Shiprock Outpatient Treatment Center, Navajo Nation Department of Behavioral Health Services, introduced herself and other representatives of the department. She and other members of the department described the services offered by the department, especially at its facility in Shiprock. Charles Stacey, clinical specialist, stressed the need to integrate traditional and medical approaches to treating Native American alcoholics. He later noted that the success rate for treatment had risen from 20 percent to 60 percent over the past two years. Ms. Cantsee noted that treatment for alcoholism requires mental health counseling in order to prevent relapses. She is in the process of upgrading staff and getting more master's level behavioral health counselors. In addition, the need is growing for adolescent services.

Paul Ehrlich, executive director of the Total Behavioral Health Authority, noted that detoxification is just part of a process — an intervention in substance abuse. While it is often easy to get sober, staying sober is a major challenge. Mr. Ehrlich catalogued a number of needs: telemedicine; better access to good clinical services; affordable and transitional housing services to help clinical directors who come to the reservation; better case management (especially tracking clients after discharge); more training for health care providers; and better transportation services. He also agreed with Mr. Clark's comments about the two principal problems with the Detoxification Reform Act. Pat Stady-Due, behavioral health program director, San Juan Medical Center, described the services offered at her facility. Ms. Cantsee added that the alcoholism and addiction counselors are having difficulty getting into the schools to talk about preventive programs. She also recommended changing New Mexico licensure requirements for alcoholism and addiction counselors so that license reciprocity is available for those professionals from other states. Also, the Navajo Nation Department of Health should be among the providers in the Value Options program through which most state-funded mental health programs currently contract.

Domestic Violence

Dianne Rivera, deputy secretary, Children, Youth and Families Department (CYFD), indicated that FY 2006 funding for domestic violence programs is approximately \$9.5 million. She reported that CYFD is drafting a \$190,000 contract with the Coalition to Stop Violence Against Native Women (CSVANW) for use in domestic violence programs. CYFD, through a joint powers agreement with the Human Services Department, is responsible for the distribution of all domestic violence temporary assistance for needy families (TANF) funds (\$600,000 in FY 2005 and FY 2006). An additional \$2 million was provided to CYFD for FY2006 and CYFD anticipates extending this amount through FY 2007. CYFD funding for Native American domestic violence programs was \$875,000 in FY2005 and \$1.2 million for FY2006. That funding is for programs located on tribal lands for the benefit of Native Americans. There are other programs located off tribal lands that predominantly serve Native Americans. Benny Shendo, secretary of Indian affairs, reported that as a result of the 2005 session, there are shelter services for 142,500 Native American domestic violence clients. CYFD partners with the New

Mexico Coalition Against Domestic Violence (NMCADV) and CSVANW to provide domestic violence services statewide. In FY 2005, NMCADV provided services to 13,303 adult victims, 4,913 adult perpetrators and 6,721 children, 10 percent of which were Native American. In June 2005, CSVANW established a "Wise Women" workgroup to focus on Native American domestic violence services and program organization. CYFD is also updating its domestic violence service manual to address culturally competent program components. The Indian Affairs Department (IAD) has issued an RFP for shelter services, using CYFD for monitoring the contract.

Sandra Gardner, domestic violence czar for the governor, noted that the legislature provided money for many domestic violence services. The executive budget included money for a shelter in Albuquerque for Native American clients; it is a significant issue for the first lady, Barbara Richardson.

Elena Giacci, executive director of CSVANW, said the coalition was formed in 1995 by Native American women to provide support and assistance for programs providing domestic and sexual violence services. Ms. Giacci reviewed statistics that indicate domestic violence has a much higher incidence among Native American women than other ethnic groups. She also described the types of services provided by the coalition.

According to Agnes Maldonado, executive director of NMCADV, the domestic violence coalition received TANF money last year. She said that the percentage of Native American clients served by the coalition varied greatly, from approximately 10 percent in Belen to 92 percent in Gallup, from 20 percent in Socorro to 90 percent in Grants. In FY 2005, NMCADV member agencies provided 84,287 shelter nights and provided services to almost 25,000 clients. Every area in which the coalition works has Native American staffing, and the ideal is to have staff represent the racial mix of the local population.

Cheryl Neskahie of the Family Harmony Project in Crownpoint talked about her community-based domestic violence program that teams crisis and prevention with legal advocacy, as well as parenting and couples therapy. Established in 1992 as a 501(c)3 nonprofit organization, the group has a tribal coalition grant to develop programs throughout the Navajo Nation.

Sharon Noel, attorney for Morningstar of Albuquerque, appeared representing Executive Director Gwen Packard. Ms. Noel reviewed the funding history of Morningstar and stated that NMCADV had withheld funds from Morningstar because its reporting requirements are inappropriate. Morningstar does not have treatment staff, but does legal advocacy for its clients. However, the reporting requires that proof of documented abuses be given to CYFD. Morningstar would like to be supervised by IAD rather than CYFD.

During questioning by committee members, Ms. Gardner was asked by committee members to get information to committee staff on the names of judges who stall prosecution of domestic violence cases.

Law Enforcement in the Checkerboard Area

A large panel of law enforcement officials presented a number of law enforcement issues

to the committee and responded in a wide-ranging discussion with committee members. Participants included Carlos Maldonado, chief of the New Mexico State Police, and Lieutenant Daniel Buchholtz, who discussed staffing out of the Cuba barracks, the jurisdictional ground rules covering who can file charges in tribal court, who patrols on tribal reservation land and other topics. He stated that the state police will respond to calls for assistance from the Navajo Nation and will arrest members of the Navajo Nation and file charges in tribal court. State police officers are often cross-commissioned with tribal entities. Bob Melton, San Juan County sheriff, stated that his department responds to requests for assistance from Native American tribes. He spoke about methamphetamine enforcement in the area and noted that law enforcement is most effective when handled with good working relationships among agencies. Felix Begaye, McKinley County sheriff, and his undersheriff, John Yearley, noted a concern with the Navajo Nation and Pueblo of Zuni that even with domestic violence issues there are interagency problems. John Trujillo, Sandoval County sheriff, whose offices are in Bernalillo, said his department assists as secondary law enforcement on many Navajo Nation chapter crimes. The Sandoval County sheriff would like a Navajo Nation tribal judge to preside in Cuba for reservation people because the distance between Cuba and Shiprock is so significant. He tries to work with the Navajo Nation's police as well as law enforcement authorities from the neighboring pueblos, but also has to report to the state. Representatives of the Navajo Nation Department of Law Enforcement from the Crownpoint and Shiprock districts noted that they work well with county sheriffs and with the Gallup city police, and engage in cross-training with SWAT teams and other law enforcement agencies. Officers from the Shiprock district also go to Utah and Arizona, as the Navajo Nation includes 4,700 square miles of territory with a population of 30,000.

In response to questions regarding traffic stops, Chief Maldonado said the state police have a policy of recording traffic stops and supervisors are required to evaluate tapes made at the scenes. He will send staff a copy of the policy. Other presenters also discussed the use of video cameras in their agencies. In questions from and discussions with committee members, the law enforcement officers said that problems with cross-deputization arise when there is a question of where the officers will go to court and where a person was apprehended. They said it is not realistic to require officers to go to Window Rock in order to incarcerate people or testify at court appearances. The McKinley County undersheriff said that after three-and-a-half years of trying to get a cross-deputization agreement with the Navajo Nation, defense attorneys said a new sheriff will not honor the cross-deputization agreements, so they would be null and void. There is support from the governor and the Navajo Nation but problems with civil traffic citations hold up the entire process of agreement. He estimated that 40 percent of the calls generate no report and responding to criminal issues where there is absolutely no jurisdiction is not a priority for their department. There is a question whether deputies even have civil protection in the areas where they are not authorized to enforce laws. The law enforcement officers also said joint powers agreements need to be put in place to prevent situations, for instance, when a DWI suspect is five feet over the line of jurisdiction when arrested and the case is then dismissed for lack of jurisdiction. Discussion ensued on the wisdom of trying to get back a portion of the Domestic Violence Warrant Fund for county law enforcement.

Recess

The meeting was recessed by Senator Pinto at 5:40 p.m.

Friday, September 16 – Upper Fruitland Chapter, Navajo Nation

The meeting was reconvened by Senator Pinto on Friday, September 16, 2005, at 9:38 a.m. at the chapter house of the Upper Fruitland Chapter, Navajo Nation.

Huerfano Chapter - Status Update

Wilson Ray, chapter president, gave the chapter report and noted that the Huerfano Chapter, covering 90 square miles, is within the so-called "checkerboard area". The chapter is growing and with young people planning to return, extensions of water and power lines are being planned. Mr. Ray, who has been president for the past 13 years, noted recent improvements in chapter infrastructure. At this point, the only area within the chapter without water is the community of Otis. The chapter has 1,400 registered voters for Navajo Nation elections; 800 voted in recent state and federal elections. Larry Bonney, chapter coordinator, reviewed the chapter's capital outlay priorities and indicated that all recent capital outlay appropriations have been expended. The chapter is looking forward to becoming certified under the tribal Local Governance Act. Irvin Chavez, chapter vice president and county commissioner, gave the chapter's list of priorities, which include cross-deputization for law enforcement officials, a need for better animal control and an increased county right of way for county roads so that school buses can pull off to pick up students without being in the line of traffic. Mr. Chavez presented a chapter resolution regarding the need for changing the current six-month extension of Medicaid benefits to a 12-month renewal period. Mr. Ray also noted that the chapter is involved in a wireless telephone project with Sacred Winds and Qwest and 15 other chapters. He testified before the PRC a couple of weeks ago. In the course of questioning from the committee, Senator Tsosie moved, seconded by Senator Pinto, that the committee send a letter to the governor requesting a return to the 12-month recertification policy for Medicaid recipients.

Uranium Mining on the Navajo Nation — Status Update

Craig Bartels, president of Hydro Resources, Inc. (HRI), addressed the committee regarding HRI's plans to resume uranium mining in the McKinley County area. He described the process of uranium mining utilizing in situ leaching methods and reviewed the permitting history for HRI's planned operations in McKinley County. He explained why uranium mining has once again become economically feasible. Anticipating the objections of anti-uranium advocates, Mr. Bartels addressed issues including exiting water quality levels, permitting standards, the benefits of uranium mining, allegations of racial bias, restoration of mining sites and the recent law passed by the Navajo Nation banning further uranium mining on reservation lands. A transcript of his comments as well as handouts regarding in situ leaching and the environmental impact statements for HRI's proposed project are in the meeting file. Ben House, president of the Eastern Navajo Allottee Association, and Leonard Arviso, secretary of the Eastern Navajo Allottee Association, spoke to the committee regarding their support of HRI's project and their concern with the ban instituted by the Navajo Nation. Copies of their statements are contained in the meeting file.

Rita Capitan, board member of Eastern Navajo Diné Against Uranium (ENDAU), explained her family's experiences with uranium mining in the Crownpoint area in the 1990s. She spoke about her fears that ground water would be polluted through in situ leaching and claimed to have the signatures of more than 1,800 people on a petition opposing further uranium mining. John Fogarty, a physician with the IHS in Crownpoint since 1997, gave a PowerPoint

presentation about his observations regarding the effects of uranium poisoning resulting from previous uranium mines in the Crownpoint area. He assessed the public health impact of another uranium mine as significant because it could harm people through breathing or through drinking uranium contaminants. He said mining causes lung cancer, even with the new and improved techniques available. He noted that Crownpoint now has pure water, but with more uranium injected into the area, the damage from uranium mining could spread. Kidney disease in members of the Navajo Nation, he said, is already two to three times the national average. Doug Micklejohn is the executive director of the New Mexico Environmental Law Center that is legal counsel for ENDAU. He gave the committee an overview of the proceedings before the federal Nuclear Regulatory Commission regarding the HRI proposal, and he emphasized those proceedings have not yet been concluded. He also reviewed the impact of the passage of the Dine Natural Resources Protection Act and opined that other governments should respect tribal sovereignty and the stance of the Navajo Nation on this issue. He suggested that the committee consider writing a letter to Ron Curry, secretary of environment, urging the administration to recognize that the Navajo Nation has jurisdiction over the lands that will be impacted by the HRI project. Sarah Henio-Adeky, Navajo community liaison with the Southwest Research and Information Center, briefed the committee on an on going study being conducted by the Eastern Navajo Health Board regarding water quality. She also related her personal experiences with the effects of previous uranium mining on the Navajo Nation.

Following the scheduled presentations, three members of the audience were invited to address the committee. Annie Sorrell, a Navajo allottee, spoke of her family's experiences with uranium mining and expressed her support of the HRI proposal. She believes the nation should take advantage of the resources that have been provided to them. Johnny Slim spoke in Navajo and expressed his concern that non-Navajos were involved in decision making regarding the HRI proposal. He opposes the Navajo Nation ban on uranium mining. Art Ettlinger with the Quincy Energy Corporation said that resumed uranium mining would provide better health and opportunities for residents and their children. County Commissioner Ervin Chavez explained his problems in taking a stand on this issue.

Following the presentations, there was extensive discussion between committee members and the presenters on topics including the existing quality of ground water in the Crownpoint area and the potential impact of uranium mining utilizing in situ leaching, alternative methods of energy generation, the divisive impact of these controversies on the Navajo Nation and the jurisdiction of the Navajo Nation and the Bureau of Indian Affairs. On motion by Senator Tsosie, seconded by Representative Madalena, the committee agreed to write a letter to the regional director of the BIA to inquire about the bureau's position on what entity has jurisdiction over uranium mining on reservation lands.

Adjournment

There being no further business before the committee, upon a motion by Representative Madalena, seconded by Representative Vaughn and passed without objection, the fourth meeting of the Indian Affairs Committee for the 2005 interim was adjourned at 2:55 p.m.